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Won-chul Bang

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION ATTACHMENT TO PAPER NO. 20090116**

***Response to Arguments***

Applicant's arguments filed on 12/19/08, with respect to claim 1, have been fully considered but they are not persuasive. Applicant argues that the so-called virtual handwriting plane could not be based on three-dimensional track information obtained by tracking, since the virtual handwriting plane is produced before a body makes any movements (see pg. 3, section i). This argument is not considered persuasive since the Milner reference does not state that the virtual handwriting plane is produced before a body makes any movements, and furthermore, the statement is irrelevant since the claim limitation does not cite that the virtual handwriting plane not exist before a tracked position occurs. Applicant argues that the Milner plane is fixed in placed and therefore can be a virtual handwriting plane (see pg. 3, section i). This argument is not considered persuasive since the claim limitation does not cite that the virtual handwriting plane has to be movable, the claim limitation cites that the virtual handwriting plane is based on the tracked position changes of the body of the system, which Milner discloses, regardless of whether the virtual handwriting plane is fixed or adjustable.

Applicant argues that Milner does not project positions onto a virtual plane since the positions are projected onto a fixed plane (see pg. 3, section ii). This argument is not considered persuasive since the claim does not recite that the plane can not be fixed, the claim limitation clearly cites that the virtual handwriting plane is based on the tracked position changes of the body of the system.

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Applicant argues the Milner plane is not adaptive (see pg. 4, section iii). This argument is not considered persuasive since the claim limitation states that the virtual handwriting plane only has to be adaptive or based on the tracked position changes of the body of the system. Therefore, the adaptive limitation does not even have to be met by the Milner reference. Furthermore, the applicant argues that the virtual plane of the present invention is derived from the tracked data (see pg. 4, section iii). This argument is not considered persuasive the claim cites that the virtual handwriting plane is based on the tracked position changes of the body of the system. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., virtual plane of the present invention is derived from the tracked data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Regardless, the Milner reference meets the limitations since it utilizes the virtual plane to track and capture position data of the transmitter. Applicant states that the virtual is created from the user's movement and is not know where the virtual plane will be located until the user begins making motions in space (see 4, section iii). This statement is irrelevant since it is not cited in the claim limitations and therefore is not valid arguments since the breadth and scope of the claims do not extend to the applicant's statement.

Applicant argues that Katagiri does not disclose a plane in space being adaptive or based on tracked position changes, but rather Katagiri discloses a fixed display means (pg. 5, section i). This argument is not considered persuasive since the Katagiri reference produces a virtual handwriting plane in three-dimensional space that is based on tracked information, and

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furthermore, regardless whether the plane is fixed is irrelevant in regards to the claim since the claim limitation does not exclude the plane from being fixed. Applicant argues that the fixed position exists before the user ever begins to write their name and this position of the display is unrelated to how the name is written (see pg. 6, section i). This argument is not considered persuasive since the a fixed plane is irrelevant in regards to inhibiting Katagiri to disclose the limitations of claim 1. Applicant argues that Sasaki fails to disclose producing a virtual plane based on tracked movements (see pg. 6, section i). This argument is not considered persuasive since Katagiri discloses the limitations as seen in the final office action dated 10/20/08 and Sasaki is utilized to incorporate the concept of the shortest distances with respect to respective positions.

Applicant argues that Katagiri does not disclose projecting the respective positions onto a virtual handwriting plane (see pg. 6, section ii). This argument is not considered persuasive since it is disclosed in Katagiri, fig. 11, numeral 160, paragraphs [0291]-[0293], where it receives time-series data pertaining to coordinates and displaying respective coordinates which is a projection drawing which is produced by means of projecting three-dimensional coordinates on a two-dimensional plane.

Applicant argues that the plane of Katagiri is not adaptive (see pg. 7, section iii). This argument is not considered persuasive since the claim limitation does not cite that Katagiri's plane be adaptive rather just based on the tracked position changes of the body of the system.

Applicant argues similar arguments that Katagiri's plane is fixed and does not disclose a virtual plane of the present invention derived from the tracked data (see pg. 7, section iii). This argument is not considered persuasive as mentioned above in the arguments for Milner, that a

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fixed plane does not preclude it from meeting the limitations of the claim and furthermore, the plane in Katagiri is created by projecting three-dimensional coordinates on a two-dimensional plane and further arguments can be seen above within similar arguments within Milner.

Applicant argues that it is not known where the virtual plane will be located until the user begins making motions in space (see pg. 8, section iii). This argument is not considered persuasive since the statement is irrelevant since it is limitation is not recited within the claim.

Regarding claim 6, applicant argues that Milner does not disclose similar points as mentioned above in regards to producing a virtual plane, projecting positions on the virtual plane and plane is adaptive or based on position changes (see pg. 9, section i-iii). This argument is not considered persuasive and the applicant is directed to the arguments that are already addressed above in regards to claim 1.

Applicant argues that the Katagiri with Sasaki combination does not disclose similar points as mentioned above in regards to producing a virtual handwriting plane, projecting positions onto a virtual plane, and a plane is adaptive or based on position changes (see pg. 11, section i - pg. 13, section iii). This argument is not considered persuasive and the applicant is directed to the arguments that are already addressed above in regards to claim 6.

Regarding claims 4-5, 9-10, applicant argues that the claims are allowable due to the dependency from claims 1 and 6, respectively (see pg. 14, section III). This argument is not considered persuasive since the claims 1 and 6 stand rejected and the arguments and rejection can be seen above and in the final rejection dated on 10/20/08.